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BY ECF

Honorable Deborah A. Batts
United States District Judge
Southern District of New York
Daniel Patrick Moynihan
United States Courthouse
500 Pearl Street
New York, New York 10007-1312

Re: Winsome Thelwell v. The City of New York, et. al.
17-cv-05888
Joint request to cancel Court's mandatory mediation session.

Dear Judge Batts,

I am an Assistant Corporation Counsel in the office of the Corporation Counsel, and I represent the defendants in the case referenced above. I write this letter on behalf of the parties to request that our mediation, currently scheduled to be held on November 7, 2017, be cancelled indefinitely. This request is made pursuant to instructions from Court appointed mediator, Mr. Charles K. Fewell, of Eaton & Van Winkle LLP, and the United States District Court for the Southern District of New York's Mediation Office.

The above matter has been referred for mediation pursuant to the U.S. District Court for the Southern District of New York's mandatory mediation program for employment discrimination matters. Prior to the mandatory scheduling of a mediation session, the parties explored the issue of reaching a resolution and have had several phone discussions and

exchanged a number of emails on the topic. The discussions have been unproductive and the parties do not believe a settlement is possible at this time.

Due to the above, the parties informed Mr. Fewell that the mediation in this matter, currently scheduled for Tuesday November 7, 2017 at Eaton & Van Winkle LLP, would serve little utility and requested that it be cancelled. Mr. Fewell then contacted the Court's mediation office who instructed the parties to file this letter seeking permission from the Court to cancel the mediation session. The parties now respectfully request that the mediation in this matter be cancelled.

Thank you for the consideration of this request

Respectfully Submitted,

/s/ Kyle C. Bruno

Kyle C. Bruno
Assistant Corporation Counsel

CC: By ECF and email

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